Road safety: seats, anchorages and head restraints (amend. Directive 74/408/EEC)

2003/0128(COD) - 24/01/2005 - Council position

In the common position which was adopted unanimously, the Council:

- has modified Article 1, namely by including folding (tip-up) seats in the scope of the Directive and inserting definitions to categorize the various seat orientations;

- has postponed various dates of entry into force;

- has rejected the European Parliament amendments which aim to create a new recital concerning side-facing tests to be examined by the Commission was rejected because the Council does not believe that more test are necessary to conclude that side-facing seats are dangerous for occupants of all kinds of vehicles; restrict in Article 1 the prohibition of the installation of side-facing seats to certain categories of motor vehicles were rejected as the Council shares the Commission's concerns in prohibiting lateral seats in all kind of vehicles for the safety of passengers.

As regards the new elements contained in the common position as compared with the Commission proposal, they aim to:

- delete of the reference to the non-application of the Directive to "folding (tip up) seats".

- oblige the Member States to prohibit the fitting of side-facing seats which has been moved to Article 2 concerning the implementation;

- clarify the scope of the ban on side-facing seats.

Two new points were inserted to define the various seat orientations: forward-facing seats, rearward-facing seats and side-facing seats.

A new paragraph specifies that the automatic locking system required on folding seats does not apply to folding seats fitted in the wheelchair spaces of vehicles of categories M2 or M3 of class I, II or A (urban buses).

All the dates concerning the implementation of the Directive have been postponed and replaced by mobile dates depending on the date of adoption of this new Directive.

In conclusion, the common position is broadly in line with the Commission proposal. The main changes to the Commission proposal concern the inclusion on one hand of the folding seats in the scope of the Directive and on the other hand of definitions of various seat orientations. In addition, the dates of transposition and of entry into force of this Directive have been adapted.